

## **REMARKS**

After entry of this amendment, claims 1-17, 21-39, 42-43, 50-51, 58-59, and 66-67 are pending. Claims 15-17 are allowed. Claims 1, 8, 13, 18-20, 28, 30-39, 66, 67, 82, 83, 90 and 91 are rejected. Claims 2-7, 9-12, 14, 21-27, 29, 42, 43, 50, 51, 58, 59, 74, and 75 are objected to. Claims 40-41, 44-49, 52-57, 60-65, and 68-97 are withdrawn and have been canceled without prejudice. Applicants reserve their right to prosecute subject matter of canceled claims in subsequent applications.

Claim 2 has been amended to be independent and include all the features of claim 1. Support is in the specification on page 4 paragraph 2, page 5 paragraph 3, page 6 paragraph 3, page 7 paragraphs 2 and 3, page 9 paragraph 4, page 10 paragraphs 1 and 3, page 11 paragraph 3, page 12 paragraph 2, and in claims 1 and 2 as filed.

Claim 4 has been amended to be independent and include all the features of claim 1. Support is in the specification on page 4 paragraph 2, page 7, paragraph 2, and in claims 1 and 4 as filed.

Claim 21 has been amended to recite the features of claim 20. Support is in the specification on page 23 paragraph 4, page 24 paragraph 1, and in claims 20 and 21 as filed. Dependent claims 23-25 have been amended to be dependent on amended claim 21.

Claim 50 has been amended to incorporate the features of former claim 49. Support is in the specification on page 23 paragraph 4, and in claims 2, 49 and 50 as filed.

Claim 58 has been amended to incorporate the features of claim 57. Support is in the specification on page s4 paragraph 4, and in original claims 15, 57 and 58.

Claim 66 has been amended to incorporate the features of claim 65. Support is in the specification on page 24 paragraph 4, and in original claims 16, 65 and 66.

No new matter has been added by the amendments.

### **Restriction Requirement**

In response to the Restriction/Election requirement mailed on October 6, 2003, Applicants elect Group I, claims 1-39, 42-43, 50-51, 58-59, 66-67, 74-75, 82-83 and 90-91 the

species of SEQ ID NO:18, without traverse. However, Applicants reserve their right to Petition from the election requirement under 37 C.F.R. § 1.144.

Applicants further elect the following species:

DNA binding domains	<i>Manduca sexta</i> EcR DNA binding domain
hinge domain	<i>Manduca sexta</i> EcR hinge domain
<b>ligand binding domain</b>	<i>Ostrinia mubilalis</i> EcR ligand binding domain

### **Claim Rejections under 35 USC § 102**

Claims 18-20 and 66-67 are rejected under 35 USC §102(e) as allegedly being anticipated by Palli et al.

Claims 1, 30-39, 82-83 and 90-91 are rejected under 35 USC § 102 as allegedly being anticipated by Jepson et al.

Claims 18-20 are allegedly rejected under 35 USC § 102 as allegedly being anticipated by Albertsen et al.

Claims 2-7, 9-12, 14, 21-27, 29, 42-43, 50-51, 58-59 and 74-75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

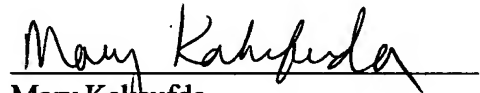
Applicants respectfully disagree with the above rejections. However, in response, Applicants have canceled claims 1, 18-20, 30-39, 74-75, 82-83 and 90-91, making these rejections moot. Claims 66-67 should not have been rejected as they are dependent upon allowed claim 16. And Applicants have amended the dependent claims 2-7, 9-12, 21-27, 29, 42-43, 50-51, 58-59 and 66-67 to be in independent form including all the limitations of the base claim and any intervening claims to advance prosecution of certain embodiments. Therefore, these claims are in form for allowance.

### **Telephone Rejection of Claims 8, 13 and 28**

The Examiner rejects claims 8, 13 and 28 as being indefinite for reciting the phrase "stringent hybridization conditions". Applicants respectively disagree with this rejection. The phrase "stringent hybridization conditions" is defined on page 62, paragraph 3- page 63. Thus, the claims are not indefinite and supported by the specification as filed.

It is believed that there is no need for an Extension of Time for entry of this paper. However, if it is deemed that any such extension or any other fees are necessary to maintain pendency of this application, then the Office is hereby authorized to charge Deposit Account No. 50-1744 (in the name of Syngenta Biotechnology Inc.) for payment of such fees.

Respectfully submitted,



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